

EXHIBIT 5

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

David A. Perlson (Bar No. 209502)

3 davidperlson@quinnemanuel.com

Melissa Baily (Bar No. 237649)

4 melissabaily@quinnemanuel.com

John Neukom (Bar No. 275887)

5 johnneukom@quinnemanuel.com

Jordan Jaffe (Bar No. 254886)

6 jordanjaffe@quinnemanuel.com

50 California Street, 22nd Floor

7 San Francisco, California 94111-4788

Telephone: (415) 875-6600

8 Facsimile: (415) 875-6700

9 Attorneys for WAYMO LLC

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;

16 OTTOMOTTO LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**DECLARATION OF JAMES JUDAH
IN SUPPORT OF WAYMO'S RESPONSE
TO NOTICE REGARDING U.S.
ATTORNEY LETTER (DKT. 2260-1)**

REDACTED VERSION OF DOCUMENT

1 I, James Judah, hereby declare as follows:

2 1. I am a member of the bar of the State of California and an associate with Quinn
3 Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Waymo LLC (“Waymo”). I make this
4 declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would
5 testify competently as follows.

6 2. On November 25, 2017, my colleague John McCauley and I reviewed an unredacted
7 version of the letter from counsel for Richard Jacobs to Angela Padilla, dated May 5, 2017 (the
8 “Jacobs Letter”) at the San Francisco office of Morrison & Foerster LLP (“MoFo”). Shortly before
9 midnight on November 24, the Jacobs Letter was produced in redacted form and designated
10 “Attorneys’ Eyes Only” by Defendant Uber Technologies Inc. as UBER00326333.

11 3. The portions of the Jacobs Letter that had been redacted from UBER00326333 allege
12 numerous instances of [REDACTED]
13 [REDACTED] The
14 conduct described in these portions of the Jacobs Letter [REDACTED]
15 [REDACTED].

16 4. The redacted portions of the Jacobs Letter also allege that at least some of this conduct
17 was directed and approved by [REDACTED]

18 5. The redacted portions of the Jacobs Letter allege that this conduct was engaged in by
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3
4 DATED: November 27, 2017

/s/ James D. Judah

James Judah

5
6
7 **SIGNATURE ATTESTATION**

8 Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the
9 filing of this document has been obtained from James Judah.

10
11 /s/ Charles K. Verhoeven

Charles K. Verhoeven